THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 6174 of 2007

Date:02-04-2007

Between:

Rajiv Gandhi Aviatiion Academy Represented by its Managing Director, Prabhaker Reddy
PETITIONER

AND

National Remote Sensing Agency and another
..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the 1st respondent in awarding the contract to the 2nd respondent through proceedings NRSA:PUR/NIWO-30-1005204/07, dated 22.03.2007 as illegal and arbitrary.

2. Heard the learned counsel for the petitioner as well as the Standing Counsel for the first respondent.

3. The petitioner company took over maintenance of two numbers Super King Air B-200 aircraft (VT-EBB and VT-EQK) belonging to the first respondent Remote Sensing Agency under Maintenance Contract No.63 of 2006 with effect from 01.04.2006 to 31.03.2007. It is stated that the said maintenance contract was entered into with the petitioner after inviting the tenders and after submitting the bid. It is stated that, in fact, the 1st respondent has been awarding the maintenance of the aircrafts contract by way of public auction only calling for the bids. It is stated that no doubt the period of contract of the petitioner is over by 31.03.2007. But the said contract was entrusted in favour of the second respondent without any reasons and without following any due procedure prescribed under law.

4. Learned Standing Counsel for the 1st respondent submits that the first respondent vide its letter dated 28.03.2007 authorised the second respondent as an interim arrangement for two months only and within two months, the first respondent will finalise the maintenance contract by calling for tenders as per DOS purchase procedure.

5. I am not inclined to express any opinion as to why the petitioner was not allowed to continue the maintenance of the aircrafts. However, it is for the first respondent either to maintain themselves or to take temporary measures. But, it cannot be by way of interim arrangement on permanent basis.

6. Learned Standing Counsel for the first respondent on written instructions submits that the first respondent has decided to finalise the maintenance contract by calling for the tenders as per DOS purchase procedure.

7. In view of the above, the writ petition is disposed of directing the first respondent to finalise the maintenance contract by calling for tenders as per DOS purchase procedure within two months from today i.e. on or before 31.05.2007. No costs.

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V.ESWARAIAH, J.

Date:02.04.2007
CCM